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IDAHO DEPARTMENT OF WATER RESOURCES
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DATE: 06/01/99

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PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
61-00347	STEVENSON, THOMAS R.	C	05/01/1884	D/	COLD SPRING CREEK	IRR	WR
X61-00347	JOE BLACK & SONS	C	05/01/1884	D/	COLD SPRINGS CREEK	IRR	WR

61-00347	JOE BLACK & SONS	C	05/01/1884	D/	COLD SPRINGS CREEK	IRR	AJ
A61-00347	JOE BLACK & SONS	C	05/01/1884	D/	COLD SPRINGS CREEK	IRR	AJ

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JUN 09 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5231
WATER RIGHT NO(S). 61-00345/61-00347/61-02007/61-02052

This is to certify that: JOE BLACK & SONS
PO BOX 67
HAMMETT ID 83627

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 61-00345 :			
IRRIGATION	04/01 to 10/01	0.50 CFS	100.0 AF
Priority: 06/30/1879			
Right No. 61-00347 :			
IRRIGATION	04/01 to 10/01	3.20 CFS	620.0 AF
Priority: 05/01/1884			
Right No. 61-02007 :			
IRRIGATION	04/01 to 10/01	2.10 CFS	544.0 AF
Priority: 02/29/1908			
Right No. 61-02052 :			
IRRIGATION	04/01 to 10/01	0.64 CFS	128.0 AF
Priority: 12/19/1917			
TOTAL:		* 6.44 CFS	* 1392.0 AF

SOURCE
COLD SPRINGS CREEK

TRIBUTARY OF
SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 20, Township 05S, Range 09E
NESW , Sec. 29, Township 05S, Range 09E
SWSW , Sec. 29, Township 05S, Range 09E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	09E	19	NESE 8.9	SESE 29.0		37.9
		20	NWSW 4.1	SWSW 31.0		35.1
		29	NWNW 38.0	SWNW 35.0	NWSW 38.0	143.5
		30	SWSW 32.5	SENE 40.0	NESE 40.0	152.0
		31	NENE 34.0			14.4
		32	NWNW 22.9			22.9

Total number of acres irrigated: ** 405.8

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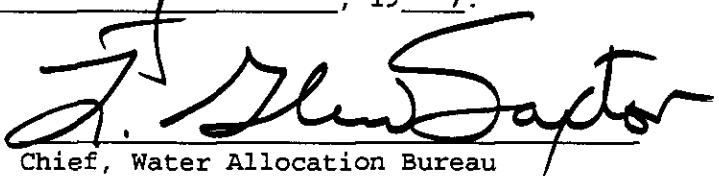
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TRANSFER NO. 5231
WATER RIGHT NO(S). 61-00345/61-00347/61-02007/61-02052

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 61E.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. All water rights within basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- ** 7. Right 61-00345 is limited to the irrigation of 25.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 61-00347 is limited to the irrigation of 155.0 acres in the place of use described above in a single irrigation season.
- ** 9. Right 61-02007 is limited to the irrigation of 136.0 acres in the place of use described above in a single irrigation season.
- ** 10. Right 61-02052 is limited to the irrigation of 32.0 acres in the place of use described above in a single irrigation season.
- * ** 11. Rights 61-00345, 61-00347, 61-02007 and 61-02052 when combined shall not exceed a total diversion rate of 6.44 cfs, a total annual maximum diversion volume of 1392.0 af at the field headgate, and the irrigation of 348.0 acres.
- ** 12. Rights 61-00345, 61-00347, 61-02007 and 61-02052 are combined with water from King Hill Irrigation District to irrigate the 405.8 acres described above in a single irrigation season.

Dated this 28 day of May, 1999.


Chief, Water Allocation Bureau

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JUN 09 1999

53

61-E

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

State of Idaho, County of Elmore.

DANIEL MCGINNESS, KATE MCGINNESS,
SAMUEL B. BLACKWELL, ADIN M. HALL,
WESGARD VOLK, PLAINTIFFS,

— vs. —

JAMES STANFIELD, ELIZABETH WALKER,
PAUL H. WALKER, CHARLES H. WALKER,
VICTOR WALKER, EUGENE WALKER,
GILBERT WALKER, JOHN LEVERE, IRA
M. MCGINNESS, and JOHN J. MCGINNESS
her husband, MAY EPPERSON, A. T. DARR,
SAMUEL SCHWARTZ, THOMAS R. STEVENSON,
THOMAS R. STEVENSON, ADMINISTRATOR of
the ESTATE of D. C. HAVIRD, deceased,
E. W. KEYS and GEORGE A. CHAPMAN,

DEFENDANTS.

M O D I F I E D

Judgment and decree.

THIS CAUSE having been heretofore appealed to the Supreme Court of the State of Idaho, and the judgment of the District Court therein reversed and the findings and decree ordered modified and corrected, now

THEREFORE, the Court being further advised in the premises now makes and causes to be entered its modified judgment and decree in said cause to conform to said order of said Supreme Court.

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61 0347 (c). For Thomas Stevenson Homestead, one hundred and sixty inches dating from May 1st, 1884. The quantity of water flowing from the spring near or upon the Stevenson Desert Entry (so called) to be deducted from the quantity awarded to said Stevenson for either or all of the above tracts, from the oldest appropriation. All of said water so awarded to defendant Thomas Stevenson to be measured at the point or points of diversion thereof from the channel of said stream, in a box or boxes, headgate or headgates, constructed for measuring water at a four inch pressure or its equivalent in second feet; and said water to be measured at said point or points of diversion, under a four inch pressure or its equivalent in second feet.

XIV.

That the waters of said Cold Spring Creek herein and hereby awarded for use upon that certain tract of land belonging to defendant J. B. Stanfield, and known as the Stanfield-McAnulty tract, and upon that certain piece of land belonging to defendant A. T. Babb, and known as the A. T. Babb tract; and that certain piece of land belonging to defendant C. J. Levere, and known as the C. J. Levere tract, except six (6) inches of water upon the last named tract, is subject to a prior right to the use thereof by Plaintiff Daniel McGinness by virtue of a decree of this Court made and entered on the 12th day of August 1891, in an action entitled Daniel McGinness, plaintiff, vs. S. A. McAnulty et al., defendants.

XV.

It is further ordered adjudged and decreed that the several parties hereto, whose rights to the use of the waters of said Cold Spring Creek are of even date, shall, whenever the amount of waters flowing in said channel of said stream is sufficient in quantity to supply the amount of water herein awarded, share in the

-8-
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use of the water in the proportion the several quantities awarded to each bears to the whole quantity flowing in said stream at such time of scarcity, not, however, to interfere with the rights of an earlier or prior date.

IXI.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to the use of the waters of said Cold Spring Creek herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased such party or parties shall turn the waters of said stream used by them back into the channel of said stream; that each and every of the plaintiffs and defendants, their servants, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from any and all interference with or diversion or use of the waters of said Cold Spring Creek, except as provided in this modified judgment and decree.

IXII.

It is further ordered, adjudged and decreed that each of the parties hereto shall pay their costs or disbursements herein, by each party or parties incurred.

O. O. Steckelager,
Judge of the District Court
Fourth ~~Judicial~~ District

Filed, May 10th, 1899.

A. G. Smith
[Stamp]

JUN 19 1896

STATE OF IDAHO, }
County of Elmore. } ss.

I, A. G. SMITH, Clerk of the District Court of the Fourth

Judicial District of the State of Idaho, in and for the County of Elmore, do hereby certify that the foregoing is a true and correct copy of the original

In the Case of Danl. McInnes vs. Jas. Stanfield et al.
Modified Judgment & Decree
now on *file* of record in my office

Given under my hand and the seal of said Court, at office in Mountain Home,
this, the *30* day of *March* 190 *5*

Attest:

By

Deputy.

Clerk

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JUN 09 1999

MEMORANDUM

TO: Files 61-00345, 61-00347, 61-02007 & 61-02052

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5231



DATE: May 5, 1999

Transfer 5231 adds a point of diversion under Rights 61-00345, 61-00347, 61-02007 & 61-02052. The applicant wants to add a pump to use during low water years when the gravity flow diversion is not efficient.

These rights have been reviewed and recommended by the SRBA staff and the transfer approval is based on these recommendations. The decreed rights were limited to the number of acres claimed under each right which was less than the originally described parcels in the decree. Season of use and diversion volume was adjusted to current standards.

No watermaster comment was requested by region staff prior to forwarding the transfer to the state office. The approval will be held until the comment is received.

Recommended conditions include Basin 61 conjunctive management, watermaster control, multiple points of diversion/measuring devices & lockable controlling works, permissible place of use limits, combined right limits, irrigation overlap and standard transfer conditions.

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MEMORANDUM

TO: FILE 61-00347

FROM: PAM SKAGGS

RE: TRANSFER # 5231

DATE: 3-18-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 61-00345.

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